



January 30, 2015

HOUSE BILL No. 1338

DIGEST OF HB 1338 (Updated January 28, 2015 2:04 pm - DI 96)

Citations Affected: IC 9-13; IC 9-21.

Synopsis: Safe driving practices near stationary solid waste haulers. Defines solid waste hauler as a vehicle in which solid waste or recyclable materials are transported to a transfer station or final disposal facility. Provides that it is a Class A infraction for a person to fail to make a lane change or slow the person's vehicle when approaching a stationary solid waste hauler that is giving a signal by displaying alternately flashing amber lights. Provides that the failure to make a lane change or slow the vehicle results in an additional suspension of driving privileges when the failure results in damage to the property of another person, or in injury to or the death of another person.

Effective: July 1, 2015.

Beumer, Saunders, Moed

January 13, 2015, read first time and referred to Committee on Roads and Transportation.
January 29, 2015, amended, reported — Do Pass.

HB 1338—LS 6989/DI 96



January 30, 2015

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1338

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-13-2-168.3 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2015]: **Sec. 168.3. "Solid waste hauler", for**
4 **purposes of IC 9-21-8, has the meaning set forth in IC 9-21-8-0.4.**
5 SECTION 2. IC 9-21-8-0.4 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2015]: **Sec. 0.4. As used in this chapter, "solid waste hauler"**
8 **means a vehicle in which solid waste or recyclable materials are**
9 **transported to a:**
10 **(1) transfer station for further transport to a final disposal**
11 **facility;**
12 **(2) final disposal facility; or**
13 **(3) materials recovery facility.**
14 SECTION 3. IC 9-21-8-35, AS AMENDED BY P.L.14-2010,
15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2015]: Sec. 35. (a) Upon the immediate approach of an authorized emergency vehicle, when the person who drives the authorized emergency vehicle is giving audible signal by siren or displaying alternately flashing red, red and white, or red and blue lights, a person who drives another vehicle shall do the following unless otherwise directed by a law enforcement officer:

(1) Yield the right-of-way.

(2) Immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the highway clear of any intersection.

(3) Stop and remain in the position until the authorized emergency vehicle has passed.

(b) Upon approaching a stationary authorized emergency vehicle, when the authorized emergency vehicle is giving a signal by displaying alternately flashing red, red and white, or red and blue lights, a person who drives an approaching vehicle shall:

(1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

(2) proceeding with due caution, reduce the speed of the vehicle to a speed at least ten (10) miles per hour less than the posted speed limit, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

(c) Upon approaching a stationary recovery vehicle, a stationary utility service vehicle (as defined in IC 8-1-8.3-5), a **stationary solid waste hauler**, or a stationary road, street, or highway maintenance vehicle, when the vehicle is giving a signal by displaying alternately flashing amber lights, a person who drives an approaching vehicle shall:

(1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the recovery vehicle, utility service vehicle, **solid waste hauler**, or road, street, or highway maintenance vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

(2) proceeding with due caution, reduce the speed of the vehicle to a speed at least ten (10) miles per hour less than the posted speed limit, maintaining a safe speed for road conditions, if



- 1 changing lanes would be impossible or unsafe.
- 2 (d) This section does not operate to relieve the person who drives an
- 3 authorized emergency vehicle, a recovery vehicle, a utility service
- 4 vehicle, **solid waste hauler**, or a road, street, or highway maintenance
- 5 vehicle from the duty to operate the vehicle with due regard for the
- 6 safety of all persons using the highway.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1338, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 8, delete "is" and insert "**or recyclable materials are**".

Page 1, line 8, delete "to:" and insert "**to a:**".

Page 1, line 9, after "(1)" delete "a".

Page 1, line 10, delete "or".

Page 1, line 11, delete "a".

Page 1, line 11, delete "facility." and insert "**facility; or
(3) materials recovery facility.**".

and when so amended that said bill do pass.

(Reference is to HB 1338 as introduced.)

SOLIDAY

Committee Vote: yeas 10, nays 0.

